

SENATE BILL No. 97

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: Net metering. Requires the Indiana utility regulatory commission (IURC) to adopt emergency rules amending the IURC's net metering and interconnection rules for electric utilities to: (1) make net metering available to specified customer classes; (2) allow a generating facility with a nameplate capacity of two megawatts or less to interconnect to the distribution facility of an electric utility; and (3) allow a net metering customer to interconnect a generating facility that makes use of specified technologies. Voids existing rules to the extent they do not comply with the requirements for the amended rules. Requires the IURC to report to the regulatory flexibility committee on the IURC's progress in adopting the amended rules.

Effective: Upon passage.

Errington

January 5, 2010, read first time and referred to Committee on Utilities & Technology.

C
o
p
y



Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 97

A BILL FOR AN ACT concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "commission" refers to the Indiana utility regulatory**
3 **commission created by IC 8-1-1-2.**

4 (b) Subject to subsection (c) and not later than July 1, 2010, the
5 commission shall adopt rules to amend the net metering and
6 interconnection rules adopted by the commission and codified at
7 170 IAC 4-4.2. The rules adopted by the commission under this
8 subsection must do the following:

9 (1) **Require an electric utility to offer net metering to at least**
10 **the following customer classes:**

11 (A) **Residential customers.**

12 (B) **Commercial customers.**

13 (C) **Industrial customers.**

14 (D) **Agricultural customers.**

15 (E) **Local governments.**

16 (F) **The state.**

17 (G) **Kindergarten through grade 12 schools.**

18 (H) **Postsecondary educational institutions (as described in**

C
o
p
y



IC 6-3-3-5).

(2) Allow a net metering customer to interconnect a generating facility with a nameplate capacity of two (2) megawatts or less to a distribution facility of an electric utility.

(3) Allow a net metering customer to interconnect a facility that generates electricity through any of the following technologies:

(A) Solar.

(B) Wind.

(C) Microhydroelectrical facilities.

(D) Microturbines using renewable fuels.

(E) Fuel cells using renewable fuels.

(F) Biogas, including anaerobic digestion and biogas from municipal solid waste.

(c) The commission shall initially adopt the rules required by subsection (b) in the same manner as emergency rules are adopted under IC 4-22-2-37.1. Rules adopted under this subsection expire on the date final rules are adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36 implementing the requirements of subsection (b).

(d) Not later than June 1, 2010, the commission shall evaluate the net metering and interconnection rules adopted by the commission and codified at 170 IAC 4-4.2 for compliance with the requirements set forth in subsection (b). To the extent that any rules codified at 170 IAC 4-4.2 do not meet the requirements set forth in subsection (b), the rules are void. Not later than June 15, 2010, the commission shall notify the publisher of the Indiana Administrative Code and Indiana Register of any rules codified at 170 IAC 4-4.2 that are void under this subsection. The publisher shall remove the rules that are void under this subsection from the Indiana Administrative Code.

(e) Not later than November 1, 2010, the commission shall report to the regulatory flexibility committee established by IC 8-1-2.6-4 on the commission's progress in finally adopting, under IC 4-22-2-24 through IC 4-22-2-36, the emergency rules initially adopted by the commission under subsection (b).

(f) This SECTION expires January 1, 2012.

SECTION 2. An emergency is declared for this act.

C
O
P
Y

